

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

L'NEA LANCASTER,)	
)	
Plaintiff,)	Case No.
)	
v.)	Judge
)	
DET. WALSH #20028,)	Magistrate Judge
SGT. DOWD #1554, DET. DOWNES,)	
DET. SULLIVAN #20353,)	JURY DEMAND
DET. JOHNSON and P.O. DAN SMITH)	
Individually and)	
The CITY OF CHICAGO,)	
)	
Defendants.)	

COMPLAINT

NOW COMES the Plaintiff, L'nea Lancaster by and through her attorney's Gregory E. Kulis and Associates, Ltd. complaining against the Defendants, DET. WALSH #20028, SGT. DOWD #1554, DET. DOWNES, and DET. SULLIVAN #20353, DET. JOHNSON and P.O. DAN SMITH, individually and THE CITY OF CHICAGO as follows:

COUNT I - FALSE ARREST

1. This action is brought pursuant to the Laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress deprivations of the Civil Rights of the Plaintiff, L'nea Lancaster accomplished by acts and/or omissions of Defendants, DET. WALSH #20028, SGT. DOWD #1554, DET. DOWNES, DET. SULLIVAN #20353, DET. JOHNSON and P.O. DAN SMITH committed under color of law.

2. Jurisdiction is based on Title 28 U.S.C. §1343 and §1331 and supplemental jurisdiction of the State of Illinois.

3. The Plaintiff, L'nea Lancaster was at all relevant times, a United States citizen and a resident of the State of Illinois.

4. At all relevant times, the Defendants, DET. WALSH #20028, SGT. DOWD #1554, DET. DOWNES, DET. SULLIVAN #20353, DET. JOHNSON and P.O. DAN SMITH, were duly appointed Chicago Police Officers acting within their scope of employment and under color of law.

5. On or about March 20, 2013, the Plaintiff, L'NEA LANCASTER was a passenger in her friend's vehicle in the vicinity of the 1900 block of West 171st Street in East Hazel Crest in Illinois.

6. The Plaintiff's friend was shot by Defendant, DAN SMITH, later learned to be a Chicago Police Officer.

7. The Plaintiff, L'NEA LANCASTER took over driving the vehicle.

8. The Plaintiff pulled over when she saw flashing lights behind her believing it to be the police.

9. The Plaintiff L'NEA LANCASTER was not committing a crime or breaking any laws.

10. The Defendants pulled up to her, dragged her out of the vehicle, threw her to the ground and handcuffed her.

11. One or more of the Defendants then arrested the Plaintiff and took her into custody.

12. The Plaintiff, L'NEA LANCASTER was held in custody and at a Police Station in Chicago for approximately seven (7) hours despite requesting and trying to leave.

13. At all relevant times, the Defendants, DET. WALSH #20028, SGT. DOWD #1554, DET. DOWNES, DET. SULLIVAN #20353, DET. JOHNSON and P.O. DAN SMITH were acting pursuant to the customs and policies of the Chicago Police Department.

14. The actions of the Defendants, DET. WALSH #20028, SGT. DOWD #1554, DET. DOWNES, DET. SULLIVAN #20353, DET. JOHNSON and P.O. DAN SMITH were intentional, willful and with malice.

15. Said actions of the Defendants, ,violated the Plaintiff, L'NEA LANCASTER'S Fourth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

16. As a direct and proximate consequence of said conduct of the Defendants, DET. WALSH #20028, SGT. DOWD #1554, DET. DOWNES, DET. SULLIVAN #20353, DET. JOHNSON and P.O. DAN SMITH, the Plaintiff, L'NEA LANCASTER suffered violations of her constitutional rights, emotional anxiety, fear, humiliation, monetary loss, pain and suffering and future pain and suffering.

WHEREFORE, the Plaintiff, L'NEA LANCASTER prays for judgment in her favor and against the Defendants, for a reasonable amount in compensatory damages, punitive damages, plus attorneys' fees and costs.

COUNT II-EXCESSIVE FORCE - P.O. DAN SMITH

1-16. The Plaintiff, L'NEA LANCASTER hereby realleges and incorporates her allegations of paragraphs 1-16 of Count I as her respective allegations of paragraphs 1-16 of Count II as though fully set forth herein.

17. When shot at one of the bullets pierced the Plaintiff's seat.

18. As a result of the actions of the Defendant, P.O. DAN SMITH, the Plaintiff, L'NEA LANCASTER has suffered emotional and psychological damages.

19. Said use of force by the Defendant was excessive, unreasonable and unprovoked.

20. Said actions of the Defendants, P.O. DAN SMITH, violated the Plaintiff, L'NEA LANCASTER'S Fourth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

21. As a direct and proximate consequence of said conduct of the Defendants, P.O. DAN SMITH, the Plaintiff, L'NEA LANCASTER suffered violations of her constitutional rights, emotional anxiety, fear, humiliation, monetary loss, pain and suffering and future pain and suffering.

WHEREFORE, the Plaintiff, L'NEA LANCASTER prays for judgment in her favor and against the Defendants, for a reasonable amount in compensatory damages, punitive damages, plus attorneys' fees and costs.

COUNT III-INDEMNIFICATION

1-22. The Plaintiff, L'NEA LANCASTER hereby realleges and incorporates her allegations of paragraphs 1-22 of Count I and Count II as her respective allegations of paragraphs 1-21 of Count III as though fully set forth herein.

23. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment Activities.

24. The Defendants, DET. WALSH #20028, SGT. DOWD #1554, DET. DOWNES, DET. SULLIVAN #20353, DET. JOHNSON and P.O. DAN SMITH, were employees of THE CITY OF CHICAGO, who acted within their scope of employment in committing the misconduct described herein.

WHEREFORE, should the individual Defendants, DET. WALSH #20028, SGT. DOWD #1554, DET. DOWNES, DET. SULLIVAN #20353, DET. JOHNSON and P.O. DAN SMITH be

found liable for any of the acts alleged above, the Defendant, THE CITY OF CHICAGO, would be liable to pay the Plaintiff, L'NEA LANCASTER any judgment obtained against the Defendants.

JURY DEMAND

The Plaintiff, L'NEA LANCASTER, hereby requests a trial by jury.

Respectfully submitted,

/s/ Gregory E. Kulis

**Gregory E. Kulis & Associates, Ltd.
30 North LaSalle Street, Suite 2140
Chicago, Illinois 60602
(312) 580-1830**